

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-27 are pending. Claims 1, 2, 4-6, 9, 11, 12, 14, 15, 22, 25 and 27 are amended.

Claim Rejections – 35 USC 102

Claims 1-6, 8, 10, 12, 13, 15 and 17-22 are rejected under 35 USC 102(b) as anticipated by Rivere (US 3,868,936). In response, applicant traverses the rejections, and amends claim 1 to clearly distinguish over Rivere.

The present invention provides a fuel supply apparatus comprising an air cleaner 5 having a main chamber 5b (applicant's specification, paragraph 0024). Air cleaner 5, which is illustrated in applicant's FIG. 2, includes an inlet or intake port 4b, through which air is introduced (paragraph 0024), and an outlet (through-holes 4e on lower casing 4 of air cleaner 5) through which the introduced air is led to an engine 13 (paragraph 0025). An injector bracket 10 includes rectifying walls (member) 10a that rectify an air current M flowing from inlet 4b to outlet 4e (paragraph 0028). Upstream injectors 14 jet fuel into air current M (paragraph 0029). Importantly, the air also passes through a filter element 8 disposed between inlet 4b and outlet 4e (paragraph 0027).

Claim 1 is amended to clarify several aspects of the invention as described above. First, the claim is amended to clarify that the inlet and outlet are formed in an air cleaner chamber. Second, the claim is amended to recite a filter element disposed between the inlet and outlet of the air cleaner chamber. Dependent claims 2, 4-6, 9, 11, 12, 14, 15, 22, 25 and 27 are amended for consistency with these amendments to claim 1.

The examiner refers to FIG. 2 of Rivere as the main reason of the rejection.

However, FIG. 2 of Rivere discloses an intake passage with Venturi structure and it's basically different from the air cleaner intended by the embodiment of this

invention. We can clarify the difference between our invention and Rivere by adding the restriction of the filter element.

The Action asserts that Rivere discloses a fuel supply apparatus comprising an intake chamber having an inlet and an outlet. In support of this assertion, page 2 of the Action references the interior chamber of elements 2 and 9 of Rivere's FIG. 2, wherein the top portion of element 9 is considered as an inlet and the bottom portion of element 2 is considered as an outlet. However, elements 2 and 9 of Rivere are parts of a Venturi or nozzle 1 (col. 2, lines 62-68). While Venturi 1 has an inlet and an outlet, it is not an air cleaner as is now claimed by applicant.

Moreover, claim 1 now recites that a filter element is disposed between the inlet and outlet of the air cleaner. In addressing dependent claim 14, the Action acknowledges that Rivere lacks such a filter element, but asserts that this deficiency is remedied by Coanda's disclosure of an "air filter" (col. 4, lines 50-53). Applicant disagrees. Coanda at col. 4, lines 47-55, and in FIGS. 1-4, discloses a carburetor comprising a pipe or conduit 1. At lines 50-52 of col. 4, Coanda states:

The front or upstream end 2 of the conduit 1 is attached,
by means of a flange 3, to an air filter (not shown), or to
an auxiliary pipe disposed between it and the air filter...

As discussed above, Rivere does not disclose an air cleaner having an inlet and outlet and configured as claimed by applicant, but rather discloses a Venturi or nozzle having an inlet and outlet. Coanda, by its own admission, does not show an air filter or an air cleaner. Moreover, even if it were improperly assumed that Coanda's carburetor pipe 1 is the equivalent of applicant's claimed air cleaner, Coanda states that its unshown air filter is attached to the upstream end 2 of conduit 1, and not between the inlet and outlet of pipe 1, as is required for any arguable correspondence to claim 1, as amended.

Accordingly, since Rivere does not disclose each and every feature of claim 1, it cannot anticipate claim 1 or claims 2, 4-6, 9, 11, 12, 14, 15, 22, 25 and 27

dependent thereon. The rejections of these claims under 35 USC 102 should therefore be withdrawn. Moreover, as discussed above, claim 1 is not obvious over the combination of Rivere with Coanda.

Claim Rejections – 35 USC 103

Claims 7, 9, 11, 14, 16 and 23-27, all of which depend from claim 1, are rejected as obvious under 35 USC 103(a). In response, applicant traverses the rejections.

Claims 23, 24 and 26 are rejected as obvious over Rivere in view of Walker (US 3,374,777). Walker is cited for its relevance to a vehicle having a fuel supply apparatus as claimed by applicant. However, Walker is directed to a carburetor and does not remedy the failure of Rivere to disclose an air cleaner configured as claimed by applicant. Thus, claims 23, 24 and 26 are not obvious over Rivere in view of Walker.

Claims 9 and 11 are rejected as obvious over Rivere in view of Marsee (US 4,016,845). Marsee is cited for its relevance to an intake chamber having a plurality of outlets in correspondence with a plurality of rectifying walls. However, Marsee is directed primarily to a carburetor-type fuel induction system and does not remedy the failure of Rivere to disclose an air cleaner disclosed as claimed by applicant. Thus, claims 9 and 11 are not obvious over Rivere in view of Marsee.

Claims 25 and 27 are rejected as obvious over Rivere in view of Walker and Marsee. However, as discussed above, Walker and Marsee are not directed to an air cleaner configured as claimed by applicant. Thus, claims 25 and 27 are not obvious over Rivere in view of Walker and Marsee.

Claims 7 and 14 are rejected as obvious over Rivere in view of Coanda (US 2,907,557). Coanda, as discussed with respect to claim 1, does not remedy the deficiencies of Rivere and fails to disclose an air cleaner configured as claimed by applicant. Thus, claims 7 and 14 are not obvious over Rivere in view of Coanda.

Claim 16 is rejected as obvious over Rivere in view of Bishop (US 3,050,376). Bishop is cited for its relevance to a blow-by gas passage and does not remedy the

deficiencies of Rivere discussed above. Accordingly, claim 16 is not obvious over Rivere in view of Bishop.

For these reasons, the rejections of claims 7, 9, 11, 14, 16 and 23-27 under 35 USC 103(a) should be withdrawn.

Conclusion

This application is now in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: June 12, 2008

By: 

Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: 310-785-4600
Fax: 310-785-4601